

AMENDMENTS TO THE DRAWINGS

Figure 3 has been replaced by Figures 3a-3c. The three Figures show the recessed portion in the shaft joint body, the locking body, and both, respectively.

A replacement sheet containing Figures 3a, 3b and 3c has been attached hereto as Appendix A.

Appendix A: Figures 3a-3c

REMARKS

Reconsideration of the application in light of the amendments and following remarks is respectfully requested.

I. Status of the Claims

Claims 2-9 are objected to.

Claims 1-9 are rejected.

Claims 1-9 have been amended.

Claims 10-18 are added.

No new matter has been added by way of amendment or addition.

Claims 1-18 are pending.

II. Status of the Drawings

The Examiner has objected to the drawings stating that they must show every feature of the invention specified in the claims. Applicants have amended the drawings by submitting replacement sheets attached herewith in Appendix A. No new matter has been added by way of this amendment. Support for the embodiments shown in Figs. 3a-3c can be found in the Specification on page 4, lines 8-9 which states that “the shaft joint body and/or the locking body has a recessed portion into which the projection is fitted.” Thus, either the locking body, shaft joint body or both may have a recessed portion as shown in the new Figures 3a-3c.

III. Status of the Specification

The Specification has been amended to include a brief description of the added Figures. No new matter has been added by way of this amendment as discussed above.

IV. Objections to the Claims

The Examiner has objected to claims 2-9 because of informalities. Specifically, the Examiner states that the limitation “of a shaft body and a shaft joint” of each claim should be deleted to correspond to the previously made amendment to claim 1. Applicants have amended claims 2-9 pursuant to the Examiner’s suggestion.

The Examiner has objected to claim 9, indicating that the limitation “the locking body increased to a second hardness” in line 3 is grammatically incorrect. Applicants have amended claim 9 to clearly recite that the hardness of the projection is increased and not the locking body.

Applicants respectfully request that the objections be withdrawn.

V. Rejections under 35 U.S.C. § 112

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which the applicant regards as the invention.

Regarding claims 1, 3 and 5, the Examiner states that the language “at least one of” makes it unclear whether the statement encompasses an alternative for two conditions or an alternative for three conditions. With specific regard to claim 1, the Examiner contends that it is

unclear whether (i) the recess is in the shaft joint body or the locking body, or (ii) the recess is in the shaft joint body, the locking body, or both. In the response submitted July 6, 2005, Applicants submitted that the statement encompasses an alternative for three conditions as shown in Exhibit A submitted therewith, and newly submitted Figures 3a-c. However, the Examiner contends that the limitation “at least one” alone means one item from a list and not two items from the list. Applicants disagree.

Applicants submit that the language “one of” indicates a single item from a list. In contrast, the language “at least one of” indicates either a single item from the list or more than one item from the list. Further, Applicants submit that the language “at least one” is not only acceptable, but is in fact the proper language used to indicated an alternative for multiple conditions.

In re Gaubert 187 USPQ 664 p. 668, the court upheld that the phrase “one or several pieces” was acceptable because it means the same as “at least one piece”. This indicates that the phrase “at least one” is the preferred language for expressing one or more items from a list. Thus, Applicants submit that claims 1, 3, and 5 are definite with respect to this rejection.

Applicants further note that a plurality of issued patents examined by Examiner Garcia have the phrase “at least one of” followed by a list. The most recent three issued patents including this language are:

U.S. Pat. No.	Claim No.	Language
6,840,700	1	one constructive element with at least one of said tensioning element and another constructive element
6,802,666	3	at least one of said first and second sealing profile strips has a hollow chamber

6,698,694 1 at least one of said first and second side flanges flexing toward the other

Applicants submit that the use of the phrase “at least one of” in these issued patents has the same meaning as the phrase “at least one of” in the currently pending claims. Additionally, the Examiner seems to have considered the phrase definite in the foregoing claims. Thus, Applicants request that the rejection of claims 3 and 5 for including this language be removed. Applicants have amended claim 1 to recite “one of” in place of “at least one of” only to further prosecution. Applicants still submit that the language “at least one of” is definite.

The Examiner has rejected claim 5 stating that the metes and bounds of the claim is unclear and contradictory. The Examiner states that “the projection is formed of a material not higher than the shaft body or the locking body in lines 2-5 and, in the next clause, it states that the hardness of the projection is made higher than that of the shaft joint body and the locking body. This contradicts the first clause. Since hardness is directly associated with material choice, it would be unclear what material does both situations at the same time” (Detailed Action, page 5, lines 2-7). Applicants respectfully traverse this rejection.

Claim 5 recites that “the projection is formed of a material with hardness not higher than hardness of at least one of the shaft joint body and the locking body.” Thus, in its raw form, the material has a specified hardness. Claim 5 goes on to recite that “the hardness of the projection is made higher than hardness of at least one of the shaft joint body and the locking body by applying surface treatment.” Thus, the projection claimed in the apparatus has a hardness that is determined by the surface treatment. These statements are not contradictory. The first clause describes the

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material by its hardness while the second clause describes the hardness of the surface treated projection. Thus, claim 5 is neither unclear nor contradictory and Applicants request that the rejection be withdrawn.

Claim 9 is rejected because the Examiner contends that it is unclear what is increased to a second hardness. Claim 9 has been amended to clearly recite that the hardness of the projection is increased to a second hardness. Applicants respectfully request that the rejection be withdrawn.

Claims 4, 6 and 7 are rejected as unclear. The Examiner states that it is unclear how a bore can have kerfs, when a bore is just a hole. Applicants submit that unlike a hole, which is simply the absence of material, a bore is a structural element. One of ordinary skill in the art would understand that a bore can have structural features aside from simply size and depth. A typical example is threading. It is well understood that a bore can have threads for receiving a bolt. Similarly, a bore can also have notches, surface roughness, grooves, or kerfs. Further, a bore may be defined as “the inner surface of a hollow cylindrical object” (Merriam-Webster’s Collegiate Dictionary, Tenth Edition ©1998, bore:2b). Thus, it is clear to one of ordinary skill in the art that a bore is a structural element defined both by its dimensions and its inner surface. Therefore, Applicants submit that claims 4, 6 and 7 are definite and request that the rejection be withdrawn.

VI. Rejections Under 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,900,178 to Haldrich et al. (“Haldrich”). The Examiner states that Haldrich discloses all of the features of the claimed invention. The Examiner also states that “the term ‘between’ is in respect between two points and the examiner has given its reasonable broadest interpretation of the term”

(Detailed Action, page 10, lines 18-19). The Examiner contends that given the broadest interpretation of the word, Haldric discloses a supported portion between a shaft joint body and locking body.

Claim 1 has been amended to recite a supported portion “superposed between surfaces of the locking body and the shaft joint body.” This feature is not disclosed in Haldric. The inner surface of the nut 32 disclosed by Haldric abuts the yoke 20, and nothing is disposed between the superposed surfaces of Haldric’s nut 32 and yoke 20. Thus Haldric does not anticipate claim 1. Applicants request reconsideration and withdrawal of the rejection.

VII. Rejections Under 35 U.S.C. § 103

The Examiner has rejected claim 2 under 35 U.S.C. § 103(a) as unpatentable over Haldric, in view of U.S. Patent No. 6,474,898 to Aota et al. (“the ‘898 patent”).

Also, claims 3, 5 and 9 are rejected as unpatentable over Haldric, in view of the ‘898 patent, and further in view of U.S. Patent No. 6,155,739 to Sekine et al. (“Sekine”).

Applicants respectfully traverse the rejections. Claims 2, 3, 5 and 9 depend from claim 1 and the arguments above regarding Haldric are applicable to this rejection. Further, neither the ‘898 patent nor Sekine teach or suggest the elements missing from Haldric and present in claim 1. Thus, Haldric, the ‘898 patent and Sekine do not disclose or suggest to one of ordinary skill in the art all of the elements of the claimed invention.

Further, new claims 10-18 are patentable over the prior art of record based at least on the arguments above.

VII. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 4 and 6-8 would be allowable if the rejections under 35 U.S.C. 112, second paragraph, are overcome.

CONCLUSION

Each and every point raised in the Office Action dated October 3, 2005 has been addressed on the basis of the above amendments and remarks. In view of the foregoing it is believed that claims 1-18 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted

By 

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